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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,323

08/22/2003

Mark Smolenski

00601-0044US

9692

32116

7590

04/20/2007

WOOD, PHILLIPS, KATZ, CLARK & MORTIMER

500 W. MADISON STREET

SUITE 3800

CHICAGO, IL 60661

EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/646,323

Applicant(s)

SMOLENSKI ET AL.

Examiner

Ruth C. Rodriguez

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25, 29 and 30 is/are allowed.
- 6) ☒ Claim(s) 26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 26 is rejected under 35 U.S.C. 102(b) as being anticipated by Taxon (US 3,803,532).

In combination a first tubular element (10a) and second tubular element (10).

The first tubular element has a first axis, a first portion with a radially outwardly facing surface and a first connecting assembly (21a) at a first circumferentially facing surface.

The second tubular element has a second portion with a second axis, a radially inwardly facing surface and a second connecting assembly (17,19) with a second

circumferentially facing surface. The first portion extendable within the second portion so that the radially inwardly facing surface on the second tubular element surrounds the radially outwardly facing surface on the first tubular element (Figs. 2-7). The first and second tubular elements positionable in a first relative axial position (Fig. 2) where there is relative movement of the first and second tubular element around the first and second axes between a) first relative rotational position (Fig. 2) and b) a second relative rotation position (Fig. 5) causes the first and second connecting assemblies to cooperate to

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draw the first and second portion axially towards each other (Figs. 2-7). The first and second connecting assemblies cooperate so that the first and second circumferentially facing surface confront each other with the first and second tubular elements in the second relative rotational position to thereby block relative movement of the first and second tubular elements from the second relative rotational position back into the first relative rotational position (C. 2, L. 60-67 and C. 3, L. 1 since the first tubular element 10a digs into the second tubular element 10 when in the second relative axial position). The first and second tubular elements are positionable in a second relative axial position wherein relative movement of the first and second tubular elements from the first relative rotational position into the second relative rotational position causes the first and second connecting assemblies to draw the first and second portions axially towards each other further than with the first and second tubular elements moved from the first relative rotational position into the second relative rotational position (Figs. 2-7). The radially outwardly facing surface on the first tubular element and radially inwardly facing surface on the second tubular element are relative dimensioned and at least one of the radially inwardly facing surface and the radially outwardly facing surface is tapered (at 15) so that by reason of the tapering the radially outwardly facing surface and the radially inwardly facing surface are urged against each other with a frictional force that is greater with the first and second tubular elements in the second relative rotational position than with the first and second tubular elements in the first relative rotational position (C. 2, L. 60-67 and C. 3, L. 1 since the first tubular element 10a digs into the second tubular element 10 when in the second relative axial position).

***Allowable Subject Matter***

3. Claims 1-25, 29 and 30 are allowed.

***Response to Arguments***

4. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive.

5. The Applicant argues that Taxon fails to disclose that the first and second connecting assemblies cooperate so that "the first and second circumferentially facing surfaces confront each other with the first and second tubular elements in the second relative rotational position to thereby block relative movement of the first and second tubular elements from the second relative rotational position back into the first relative rotational position". This argument fails to persuade. The claim is not requiring having a blocking element extending into one of the first and second circumferentially facing surfaces that blocks the movement of the other of the first and second circumferentially facing surfaces to prevent relative movement from the second rotational position to the second rotational position. Therefore, any element other than a blocking element between the first and second circumferentially facing surfaces can perform this function. Taxon clearly describes, in lines 60-67 of column 2, how the projection of one member scratches into the surface of the other member that has a tapering surface in order to

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prevent relative rotational movement between the two tubular elements. Therefore,

Taxon meets the claim limitations.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilbert (US 1,951,754), Pietro (US 4,911,573), Haynes (US 6,447,021 B1) and Ray et al. (US 6,811,190 B1) are cited to show state of the art with respect to telescoping mechanism having a connection means similar to the one being claimed by the current application.

Nishimura et al. (US 5,926,910) and Vesser (US 6,108,865) are cited to show state of the art with respect to fluid blower having a connection means similar to the one being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
April 16, 2007

  
**ROBERT J. SANDY**  
**PRIMARY EXAMINER**